

PROPOSED REGULATION (R-97-02)

FINAL STATEMENT OF REASONS

UNIFIED PROGRAM INFORMATION COLLECTION AND REPORTING STANDARDS

Title 27, Environmental Protection
Division 1, General Functions and Responsibilities
Subdivision 4, State Delegation
Chapter 1, Hazardous Waste and Hazardous Material Management Regulatory Program
(Unified Program)

SUMMARY OF RULEMAKING

This rulemaking adds sections 15185, 15186, 15187, 15187.1, 15188, 15330, 15400, 15400.1, 15400.2, 15400.3, 15400.4, 15410, 15600, 15610, and 15620, Articles 8, 9, and 10, Reports 1 to 6, and Appendices C to F to Title 27, California Code of Regulation (CCR), Division 1. It amends sections 15100, 15110, 15180, 15190, 15240, 15250, 15280, and 15290 and repeals Tables 5, 6, 7, and 8.

LOCAL MANDATE DETERMINATION

Mandates on Local Agencies and School Districts pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code, or other non-discretionary costs or savings to local agencies: Local agencies may be affected in two ways: (1) as the CUPAs or Participating Agencies (PAs), which are the regulatory agencies that collect and manage the information and (2) as regulated entities reporting environmental information. (Reporting is only required if a local agency or school manages hazardous material, stores those materials in underground tanks, or generates, recycles, treats, or collects hazardous waste.)

1. CUPAs and PAs:

The 69 CUPAs currently certified would be required to: (a) collect and retain information gathered using the new form, (b) track CUPA activities differently, (c) report to the State using the six report formats, and (d) respond to ad hoc State reporting requests. When a CUPA includes other local agencies as PAs, they both may incur costs to implement these Information Standards. Businesses may request technical assistance or training from CUPAs or PAs on how to use the new form. CUPAs and PAs also have the option to develop new local policies regarding electronic transfer and local alternative versions of the UPCF.

According to many commentors, the original fiscal impact was low or incomplete. In response to the comments regarding mandated CUPA costs, Cal/EPA has revised the original cost estimates for CUPAs to provide technical assistance, tracking, and reporting. The response to

Final Statement of Reasons:
UP Information Standards Regulations
(R-97-02) Page 2

these comments is found in the attached Summary of Comments and Response to Comments (see Comments 3-B, 4-B, 6-F, 6-G.1 and 2, 7-F and H , 9-A.1 to 4, 9-F to H, 11-L , 12-A and B, 15-C, 17-A.4, 17-C, 18-A and B, 19-A, and 20-F). The revised total range of costs for all CUPAs has been increased from a range of \$448,124 to \$4,311,873 to a new range from \$2,154,617 to \$7,616,145 for the 69 CUPAs currently certified to perform these activities. Cal/EPA has modified the original estimates as follows:

- A. Technical Assistance to Businesses: CUPAs report that they do not use clerical staff to provide technical assistance to businesses. Instead, most assistance is provided by the inspector during an inspection. Also the estimate of 15 percent of businesses needing assistance (5 percent professional assistance and 10 percent clerical assistance), and the professional staff cost estimate was seen as too low. The following changes in assumptions for technical assistance have been made:

Technical Assistance to Businesses

Assumptions	Original Estimate	Revised Estimate	Difference
Number of businesses needing professional assistance	5,500 (5%) businesses	27,500 (25%) businesses	+\$481,250
Number of minutes needed	x 10 minutes	x 10 minutes	
Staff cost	x \$100/hour	x \$125/hour	
	= \$91,666	= \$572,916	
Number of businesses needing clerical assistance	11,000 (10%) businesses	0	- \$45,833
Number of minutes needed	x 5 minutes		
Staff cost	x \$50/hour		
	= \$45,833		
Totals	\$137,499	\$572,916	+\$435,417

Using a variability of 25 percent and a mid point of \$572,916, the range of the total cost for technical assistance is from a low of \$429,617 to a high of \$716,145.

- B. **Tracking CUPA Activities and Information:** The proposed regulations require CUPAs to track their inspection and enforcement activities in a more detailed and consistent manner. Tracking costs include inspector time to record actions, data entry or clerical costs to compile individual facility and activity information, and management or programmer time to design and maintain tracking systems. Based on CUPA comments, the original cost estimate of \$5,000 to \$50,000 per CUPA has been increased to \$25,000 to \$80,000 per CUPA.

The original estimated cumulative amount of the one-time costs was a range of \$345,000 to \$3,450,000, with a mid-range of \$1 million most likely because of the variability in size of the CUPAs and the number of activities which they must begin to track. The revised cumulative amount of the one-time costs has been increased to a range of \$1,725,000 to \$5,520,000, with a mid-range of \$3 million most likely. Some CUPAs with sophisticated data management systems may be able to add these items more easily, while others may have to redefine the types of inspection information tracked, which could require more programming time.

Cal/EPA has also increased the original estimate of the cost for maintenance of these data systems by 50 percent. The original estimate was a range from \$100,000 to \$400,000 per year statewide for inspector time and key data entry. This cost has been increased to a range from \$150,000 to \$600,000 for statewide costs.

- C. **CUPA-to-State Reporting:** In response to CUPA comments, Cal/EPA's estimate for the cost of CUPAs reporting to the State has been doubled. Based on the amount of new information to be included in these reports, the Secretary estimates that the cost per CUPA would range from zero, for those CUPAs that already prepare internal management reports with similar information, to \$20,000 for programming, technical staff, and management review and concurrence with the reports. The maximum cumulative one-time cost for 69 CUPAs would be \$1,380,000, however, some CUPAs may have no new costs.

The original economic analysis with assumptions is found in the April 3, 1998, Public Notice, pages 10 to 20. The following table displays the original and revised estimates.

Summary of CUPA Fiscal Impact

<i>CUPA Fiscal Impact Summary One-time Costs</i>	<i>ORIGINAL</i>		<i>REVISED</i>	
	<i>Low Range Estimate</i>	<i>High Range Estimate</i>	<i>Low Range Estimate</i>	<i>High Range Estimate</i>
Technical Assistance	\$103,124	\$171,873	\$429,617	\$716,145
Tracking	\$345,000	\$3,450,000	\$1,725,000	\$5,520,000
Reporting	\$0	\$690,000	\$0	\$1,380,000
Totals	\$448,124	\$4,311,873	\$2,154,617	\$7,616,145
Change			+\$1,706,493	+\$3,304,272

2. Local Agencies As Regulated Entities:

Local agencies and school districts that are required to submit environmental information to CUPAs are affected in much the same way as other regulated businesses (discussed below). There would be limited first year costs to become familiar with the new form. The first time costs would be offset by ongoing savings from the elimination of redundancies and creation of a statewide standard. Further ongoing savings may be realized if the agency or school district chooses to submit information electronically.

Estimate of potential cost or savings subject to reimbursement pursuant to Part 7 (commencing with 1500) of Division 4 of the Government Code and other non-discretionary cost or saving to local agencies: None. Regulated local agencies and schools are already required to report environmental information under the various statutes and regulations included in the Unified Program. The one-time costs to implement the new forms are minor for each affected agency and would not be reimbursable.

Adoption of these regulations will not impose a funded mandate for the costs incurred by CUPAs or PAs because CUPAs are authorized to collect fees as a funding source for the reasonable and necessary costs of administering the Unified Program (HSC section 25404.5(a)(2) and (3)).

CONSIDERATION OF ALTERNATIVES

The Secretary has determined that no alternative to these regulations would be more effective or less burdensome to the affected industry and local governments than the proposed regulations. These regulations would provide for consolidated collection of required information from businesses, retention of key information by CUPAs, and reporting from CUPAs to the State. These regulations would provide the tools needed for electronic submission of information, which benefits businesses and the CUPAs. The regulations would also provide reasonable flexibility by authorizing businesses to submit facsimiles of the UPCF and permitting CUPAs to develop alternative versions of the UPCF as long as specified conditions are met.

The Secretary has determined that the alternative of not establishing a statewide form or data dictionary is inconsistent with the purpose of the Unified Program to coordinate, make consistent, and consolidate the six environmental programs. Similarly, the Secretary rejects, as unnecessarily harsh and restrictive, the opposite alternative of mandating use of one form statewide with no flexibility for businesses or CUPAs.

Numerous specific aspects of the proposed regulations and appendices were reviewed during 1997 by affected State agencies, CUPAs, the Unified Program Administration and Advisory Group (UPAAG), and the Forms and Data Workgroup of UPAAG. UPAAG includes representatives from CUPAs, State agencies, and the associations of Fire Chiefs and County Environmental Health Officers. The Forms and Data Workgroup includes CUPAs, State agencies, and businesses interested in Information Standards. Many changes were made in response to comments received. The proposed regulations encompass the best alternatives available to the Secretary.

The Secretary has also determined that no other alternative would be more effective or less burdensome to the affected businesses and the public than creating a new surcharge/ service charge component to support the CalARP program. OES= costs to administer this program will be paid only by businesses subject to CalARP requirements. The Secretary considered two other alternatives, discussed in the Initial Statement of Reasons, that were determined to be not as fair as the selected alternative.

OBJECTIONS OR RECOMMENDATIONS TO PROPOSED RULEMAKING

A 45-day Public Notice and Comment Period began April 3, 1998. Public hearings were held on May 8, 11, and 18, 1998. Written and oral testimony was taken at the hearings. In addition, written comments were accepted during the 45-day public comment period which ended on May 18, 1998.

Cal/EPA has revised the aforementioned text after review and consideration of the testimony received at the public hearings and written comments received. Extensive changes in

content and format were made to Appendix C, the Business Section of the Data Dictionary and Appendix E, the Unified Program Consolidated Form. Less extensive changes were made to Appendix D, the CUPA Section of the Data Dictionary.

Appendix F, Instructions to the Unified Program Consolidated Form was deleted as an unnecessary component of regulations. The UPCF pages are self-explanatory and Appendix C, the Business Section of the Data Dictionary, describes each of the data elements found on the form. CUPAs will develop their own instructions when they have determined their particular needs, and the State will provide guidance to the CUPAs.

A 15-day Public Notice and Comment Period began on March 4, 1999. Written comments were accepted during the comment period which ended March 19, 1999. Enclosed is a summary of both sets of comments and the response to those comments to provide an explanation and record of the revisions to the text and appendices.

DETAILED STATEMENT OF REASONS/NONCONTROLLING PLAIN ENGLISH SUMMARY

A detailed statement of reasons was provided in the 45-day public notice. The following summarizes only those sections that have been changed.

Section 15100(b)(4)(B): This subparagraph would be added to require a State or local agency authorized to continue its role, responsibilities, and authority (pursuant to HSC section 25404.3(f)(2)) to implement Unified Program elements when there is no CUPA to comply with the requirements of Title 27 applicable to the agency responsible for the specific program element(s). In response to Comment 7-B, a reference to agencies authorized pursuant to HSC section 25533(f) has been added. In response to Comments 7-and 9-C, an additional provision has been added to clarify that neither non-CUPA local agencies nor State agencies authorized to continue operating certain programs are required to collect the surcharge or implement a single fee program. This provision omits requirements on those agencies to implement specified sections related to the single fee or surcharge (Articles 3, 4, and 7, sections 15210, 15220, 15230, 15240, 15250, and 15260).

Section 15110(a):

Inspection Types:

(2) Other would be a new term created for CUPA-to-State reporting purposes, pursuant to section 15290. It would include all regulatory inspections that are not routine, including complaint inspections. It would exclude other non-regulatory facility visits or inspections that are primarily informational, educational, or administrative. The examples of Aother inspection types has been expanded to include tank installation oversight and tank cleaning, and rewritten for clarity.

Unified Program Consolidated Form (UPCF) is proposed as a new term describing the document adopted in section 15400 and found in Appendix E. The definition is included here for clarity. The definition has been changed to delete the reference to Appendix F, Instructions to the UPCF, which has been deleted.

Section 15180(a)(2)(D): This subparagraph would be amended to clarify existing language referring to HSC section 25509.2. The amendment would add a clarifying reference to the existing 15 day limit for transmittal of Hazardous Material Release Response Plans and Inventory information to other specified local agencies. The subparagraph would also be amended to refer to the correct sections of the law and to clarify that the statutory 15 day time period starts after receipt and confirmation by the local agency. In response to Comment 8-A, the language has been revised to better mirror the statute.

Sections 15180(a)(2)(E), (F), and (G): These subparagraphs would be repealed. With the adoption of the Unified Program Information Collection and Reporting Standards these provisions are no longer needed. These subparagraphs had prohibited CUPAs from adopting their own forms or data transmission protocols until July 1, 1998. A subsequent emergency rulemaking extended the prohibition to December 31, 1998.

Section 15180(b): This subsection was added to conform to CalEPA policy which requires review of all regulations within five years to determine whether the regulations should be retained, revised, or repealed.

Section 15185(b)(1): This subparagraph describes the Business Section, which is found in Appendix C. It contains information that would be required to be submitted by businesses to CUPAs. The data element identification numbers in the Data Dictionary correspond to information fields found on the Unified Program Consolidated Form (UPCF), adopted in section 15400. The organization of the Business Section is consistent with the organization of the UPCF: (A) Facility Information, (B) Hazardous Materials, (C) Tanks, and (D) Hazardous Waste. In response to a request by OES, all CalARP program data elements have been deleted from the Data Dictionary and the UPCF at this, since U.S. EPA has not defined the field lengths for the new fields. See Comments 7-M.4 and 7-M.5. In response to Comments 14-K.5 and 14-L.1, the Hazardous Waste

Tank Closure page has been moved to the Hazardous Waste section of the UPCF.

Section 15185(b)(2): This subparagraph describes the CUPA Section of the Data Dictionary, which is found in Appendix D. It contains information about CUPA activities or about regulated businesses. CUPA-to-State reporting requirements are shown in section 15290. The organization of the CUPA Section is: (A) Compliance Activity Information, (B) Inspection Information, (C) Enforcement Information, (D) Tiered Permitting Release Information, and (E) Household Hazardous Waste Information. The Inspection Information section (B) has been added. Although the Inspection Information section has been included in the Data Dictionary, reference to Inspection Information in this subparagraph was omitted in error. Section (E) is reserved for future use, the information has not been developed by DTSC yet.

Section 15185(e): This subsection has been added to clarify that electronic reporting is optional and the CUPA is not required to store or maintain the data in the Data Dictionary format. See Response to Comments 3-D and 14-E.2.

Section 15240(b): This subsection would be amended to be consistent with the elimination of numbering within section 15110. In response to Comment 9-E, the subsection was corrected to cite subsection 15110(a), rather than 15110(a)(10).

Section 15240(c)(3)(A): This subparagraph would be added to specify how the CalARP program component of the service charge is calculated. This service charge component would be assessed on each single company or business within a CUPA's jurisdiction, regardless of the business's number of stationary sources. Existing language dealing with the count of CalARP businesses is proposed to be dropped because it is no longer needed given the other proposed changes. For the CalARP program only, this surcharge component has been assessed per company or business within each CUPA jurisdiction, not to each stationary source or location of a regulated business. See Comment 14-C.2, 14-D and 15-C.

Section 15240(c)(3)(A)(1): This subparagraph would be added to clarify how the CalARP program service charge applies to businesses that are granted a waiver by a CUPA from the requirement to prepare a risk management plan (RMP). Specifically, a business would not be required to pay the CalARP program surcharge starting the fiscal year after the CUPA makes the determination. Additionally, if the CUPA later requires the business to prepare a RMP, then the service charge would be reinstalled starting the next year. In response to Comments 9-G, 11-C and 12-G, language was revised to provide that all businesses subject to CalARP program requirements pay the surcharge only until the end of the year during which the waiver was granted by the CUPA. They will not be subject to the CalARP program component of the surcharge for subsequent fiscal years unless the waiver is rescinded, in which case the surcharge component would be reimposed starting in the next fiscal year.

Section 15250(c)(3): In response to Comment 7-G, this subparagraph was added to require that the Secretary provide copies of the summary reports submitted pursuant to section 15290 to any other state agency with program element responsibilities, upon request.

Section 15280(a)(3): This subparagraph would be added to clarify the existing requirement in subsection 15280(a) that requires CUPAs to submit, upon 60 days notice, the self-audit to the Secretary or other State agency responsible for overseeing one or more program element. Currently, the self-audit could only be requested by the Secretary. Language was added to clarify that the requesting agency has oversight responsibility.

Section 15280(a)(4): This subparagraph would be added to clarify that a non-CUPA agency that is continuing its previous role, responsibility, or authority is only required to include information in the self-audit for the program element or elements being operated. It also would provide that non-CUPA agencies are not required to include information related to the surcharge or the single fee system. See Comment 9-C.

Section 15280(b)(1)(A): This subparagraph would be renumbered. The term Areview≡ has been changed to Aevaluation≡ throughout the regulations.

Section 15290(a)(1)(E): This subparagraph would be added to specify counts of regulated businesses for each program element. The additional information that would be required for the CalARP program parallels the changes in surcharge component calculations made in subparagraph 15240(c)(3)(A)(1). In response to Comments 9-G, 11-C and 12-G, language was revised to provide that all businesses subject to CalARP program requirements pay the surcharge only until the end of the year during which the waiver was granted by the CUPA. They will not be subject to the CalARP program component of the surcharge for subsequent fiscal years unless the waiver is rescinded, in which case the surcharge component would be reimposed starting in the next fiscal year.

Section 15290(a)(3): This subparagraph would be added to require each CUPA to annually submit an Annual Enforcement Summary Report, Report 4. Much of the information was generally required previously as part of the self-audit in subparagraph 15190(a)(2). Clarifying language was added to specify that the violation information is the number of facilities with violations, and that the count for total number of formal enforcement actions that were initiated within 135 days of a routine inspection or complaint investigation excludes minor violations.

Section 15290(b): This subsection would be added to require each CUPA to submit Report 5, the Biennial Tiered Permitting Release Report, on August 30 starting in 2000. This information is needed by DTSC in order to meet the legislative reporting mandate found in HSC section 25171.5. Report 5 would replace the existing, more extensive reporting requirements in subparagraph

15280(c)(1), that would also be repealed. The starting date was changed from August 30, 1998 to August 30, 2000.

Section 15290(d): This subsection would be added to require that each CUPA submit Report 6 on a quarterly basis to the State Water Resources Control Board (SWRCB). This report is currently required by HSC section 25299.7(b) and 23 CCR 2713 and its submission using the format of Report 6 satisfies those requirements. Report 6 replaces a less specific reporting requirement in subparagraph 15280(c)(2), that would also be repealed. Language was added to clarify the data to be counted at the request of the SWRCB.

Section 15290(g): This subsection would require a CUPA to provide any other information listed in or derived from the Data Dictionary to the Secretary, other authorized agents, or the State agencies responsible for one or more of the program elements. This request must be made in writing. The CUPA would be required to provide the information within 60 days of when the request is made to the person who requested it. This subsection would provide that this information be submitted in a paper form unless the CUPA requests to submit it electronically and the Secretary or other person who requested the information agrees. In response to Comments 9-J.2, 11-F and 12-H.1, language has been added to allow CUPAs to request an extension from the Secretary or other requesting agency upon showing good cause.

Section 15290(j): This subsection would be added to clarify when these new reporting requirements go into effect and what level of reporting is required for the 1998-99 and 1999-2000 fiscal year reporting periods. Regarding implementation of the new summary reporting requirement, these changes would be effective upon adoption of these regulations, which was originally expected in January 1999.

Some CUPAs, however, may not have revised their data collection requirements in time to submit complete or meaningful information for the 1998-99 fiscal year. In those cases, CUPAs would be expected to submit the reports with as much information as is available, plus information in other formats, as necessary, to describe CUPA fee, inspection, and enforcement activities. CUPAs would be required to submit complete reports, in the specified format, for the 1999-2000 fiscal year and subsequent fiscal years. In response to Comment 9-O.2, the effective dates in this subsection have been modified to allow more time for implementation.

Section 15290(k): This subsection would be added to clarify that a non-CUPA agency that is continuing its previous role, responsibility, or authority is only required to report on information for the program element or elements being operated. It also would provide that non-CUPA agencies are not required to include information related to the surcharge or the single fee system. See Comment 9-C.

Article 8 - State Performance Evaluation of CUPAs: This article would be added to provide basic parameters for the required State performance evaluations of CUPAs. (The terminology would be changed to State Aperformance evaluation≡ from the existing Areview≡.) It is proposed to be added as a new article to separate it from the other articles that address CUPA responsibilities. Section 15290 pertaining to review of CUPAs and PAs was relocated to this article. State performance evaluations are a responsibility of the Secretary and State agencies. The Secretary may expand this article through a future rulemaking. The language has been changed throughout from Areview≡ to Aevaluation≡.

Section 15330(a)(3): This subparagraph would be added to clarify that the performance evaluation of a non-CUPA agency that is continuing its previous role, responsibility, or authority only covers the program element or elements that agency continues to operate. See Comment 9-C.

Section 15330(b): This subsection would be amended to add references to statutes and other performance standards adopted in regulation that the CUPA must use when evaluating its participating agencies. This subsection is also renumbered from subsection 15290(b) with one numbering change for consistency with other changes made by this rulemaking. In response to Comment 7-I the language used in subparagraph 15330(a)(1) has been repeated here to reference rules adopted by the Secretary and for greater consistency.

Section 15330(c): This subsection would be renumbered from subsection 15290(c) with no changes. After consideration of Comment 1-A from the 15-day comment period, this subsection has been deleted since it does not pertain to State Performance Evaluations of CUPAs and repeats subsection 15300(a), which is not changed by these proposed regulations.

Section 15400(c): This new subsection would have adopted Instructions for the UPCF and notes the location of the Instructions in Appendix F. Appendix F incorporated instructions from the existing State forms, adjusted for changes made in the consolidation of existing forms into the UPCF. Subsection 15400.3(e) would have required CUPAs to use either these instructions or their own instructions when distributing the UPCF or an alternative version.

This subsection has been deleted since the instructions in Appendix F have been deleted as an unnecessary component of regulations.

Section 15400.1(a): This subsection would specify the format of the UPCF. It should be noted that the organization of the UPCF into sections parallels the way the Data Dictionary is presented in section 15185 of the regulations. The UPCF is divided into sections for clarity purposes and ease of reference. For example, Section 1 refers to basic information which would be completed by all business using the UPCF. Furthermore, the sections promote a uniform appearance of the form, because even if additional locally collected information is included in the form, it must be included

within each section, thereby promoting uniformity of appearance. In response to a request by OES, all CalARP program data elements have been deleted from the Data Dictionary and the UPCF at this time, since U.S. EPA has not defined the field lengths for the new fields. See Comments 7-M.4 and 7-M.5. In response to Comments 14-K.5 and 14-L.1, the Hazardous Waste Tank Closure page has been moved to the Hazardous Waste section of the UPCF. The Certification of Financial Assurance has been renamed for consistency with the form page.

Section 15400.2(a): This subsection would be added to clarify that the Business Owner/Operator Identification form and Hazardous Materials Inventory-Chemical Description have been adopted by OES in 19 CCR sections 2729(a)(1) and 2730. These forms are incorporated into the UPCF to improve consolidation and coordination and for the convenience of businesses and CUPAs. This subsection has been rewritten to state more clearly that these pages are adopted by the Office of Emergency Services.

Section 15400.2(b): This subsection would be added to list the forms from various State agencies that are included in the UPCF and for which completion of the UPCF satisfies the original regulatory or statutory requirement. This subsection has been amended to correct the references to previous forms.

Section 15400.3: This section would be added to require CUPAs to accept the UPCF from any business that submits it, even if the CUPA has developed its own alternative version of the UPCF. A standard statewide form, coupled with requirements that locally developed alternative versions meet the basic requirements of the Data Dictionary in subsection 15400.3(c), will lead to greater uniformity of reporting environmental information statewide across all jurisdictions. The section has been amended throughout to remove references to UPCF Instructions, which have been deleted.

Section 15400.3(c)(6): This subparagraph would require that any alternative version developed by the CUPA must comply with all applicable federal and state laws. This language has been added in response to Comment 7-K.

Section 15400.3(d): This new subsection would require each CUPA to put a written disclaimer statement on the cover page or the front page of its alternative version(s) of the form to inform businesses of their right to use the UPCF. This disclaimer is needed so that all businesses understand their rights, especially when a CUPA has adopted an alternative version and the CUPA prefers that businesses use the alternative version. A font size of 8 or larger is required to ensure that the disclaimer is legible to the reader. In response to Comment 7-L the disclaimer has been revised to reference both the UPCF and a supplemental form by acknowledging that the OES pages of the UPCF include a space for additional information.

Section 15400.3(e): This new subsection would require CUPAs to provide instructions for the UPCF and/or an alternative version, when distributing it to regulated businesses. It also requires that the instructions be consistent with the instructions adopted by OES in 19 CCR Article 4, Appendix B. In response to Comment 14-F, this provision has been amended to allow some editing. Reference to Appendix F, Instructions to the UPCF, has been removed since the Instructions have been deleted.

Section 15400.4(c): This subsection would be added to prohibit CUPAs from requesting the same information from businesses in different formats if the information is already included in the UPCF, the Data Dictionary, or the CUPAs alternative version of the UPCF. This provision is needed to protect businesses from repetitive or redundant requests. The subsection has been amended to extend the prohibition to an alternative version of the UPCF developed by the CUPA.

Section 15600(a): This subsection would be added to establish a new requirement that every regulated business submit a copy of the Business Activities page and the Business Owner/Operator Identification page with every submission of any section of the UPCF. The Business Activities page shows the different Unified Program notification requirements in a checklist format. It indicates for CUPAs and businesses which program elements apply to that facility. The Business Owner/Operator Identification page collects information including address, phone number, contact person, mailing address. It is a modified version of the existing OES Form 2730 (4/96) and would replace duplicative identifying information currently repeated on each program element form. This subsection has been amended to clarify that this page of the UPCF must be submitted with every submission of UPCF pages. See Comment 21-D.

Section 15610(e): This new subsection would be added to authorize regulated businesses to submit a signed certification statement instead of the annual inventory report if the conditions listed in (1) and (2) are met. The language is paraphrased from HSC section 25503.3(c) as amended in 1997 by Senate Bill 657 (Ch. 664). It is included here for clarity. The term certification statement is defined in HSC section 25501. The purpose of this subsection is to make it simpler for businesses to comply with the annual reporting requirement when there have been no changes to the previous inventory.

The subsection would include a caveat that use of a certification statement is permitted only if it is not prohibited by law. U.S. EPA is concerned that the provision of Senate Bill 657 may not be consistent with the federal requirement for annual submission of chemical inventory information. Discussions are continuing between the State and U.S. EPA on this point. The caveat is meant to alert businesses subject to federal reporting requirements that they may not be eligible to use a certification statement, while allowing State-only reporting businesses to benefit from streamlined reporting.

In response to Comments 9-K and 11-H, this subsection has been modified to clarify that a signature and certification statement are required from any business that is not required to resubmit an annual inventory.

Section 15620(b): This subsection would be added to clarify that parts of the UPCF may be submitted separately. However, each submission must include the Business Owner/Operator Identification page and be signed with an original signature. This subsection would also require that businesses resubmit a Business Activities page when any information on the form changes. The subsection has been amended to correct the Business Activities page title.

The detailed statement of reasons in the 45-day public notice describes the tables that would be repealed and the reports that would be adopted. The following summarizes only those reports that have been changed.

Report 2, the Single Fee Summary Report, is similar to the previous Table 8, which is proposed to be repealed. The proposed changes are the deletion of the Tiered Permitting Surcharge from and the addition of the CalARP Program to the listing of State surcharges and to the count of regulated businesses by program element. Report 2 would set forth the format of the information required to be reported by subparagraph 15290(a)(1). The Report has been amended to add categories for the CalARP Program.

Report 3, the Annual Inspection Summary Report, contains much of the information that was previously required as part of the self-audit in subparagraph 15190(a)(2). Report 3 would collect basic information by program element and provide uniform performance information to be used to evaluate individual CUPAs as well as the overall implementation of the various elements of the Unified Program. Report 3 would set forth the format of the information required to be reported by subparagraph 15290(a)(2). The Report has been amended to clarify and further define the information to be reported and to add the CalARP Program.

Report 4, the Annual Enforcement Summary Report, contains much of the information that was generally required previously as part of the self-audit in subparagraph 15190(a)(2). Report 4 would set forth the format of the information required to be reported by subparagraph 15290(a)(3). The Report has been amended to clarify and further define the information to be reported.

Report 5, the Biennial Tiered Permitting Release Report, collects information needed by DTSC in order to meet the biennial legislative reporting mandate established by HSC section 25171.5. Report 5 would replace the existing, more extensive reporting requirement in subparagraph 15280(c)(1), which is proposed to be repealed. Report 5 would set forth the format of the

information required to be reported by subsection 15290(b). The Report has been amended to remove Data Dictionary reference numbers, which were included in error.

Report 6, Quarterly Underground Storage Tank Report, is currently used by the SWRCB to collect quarterly information from the CUPAs required by HSC section 25299.7(b) and 23 CCR 2713. This information is needed by the State to oversee CUPA implementation of the Underground Tank program and to report to U.S. EPA on the State's progress in meeting key compliance deadlines. This is an existing report, which sets forth the format of the information required to be reported by the SWRCB. This report is already required by existing regulation. Report 6 sets forth the format of the information required to be reported by subsection 15290(d). At the request of the SWRCB, the Report has been amended to change Atanks to Atank systems.

Appendix C-Unified Program Data Dictionary-Business Section

The Data Dictionary will be the foundation of electronic reporting of information from business to government. The Business Section of the Data Dictionary would specify data elements that regulated businesses are required to report to the CUPAs and that the CUPAs are required to maintain. The data elements are based on information collected in the forms required and used by the various CUPA program elements. In devising the Data Dictionary, the redundant and overlapping data elements among the various program elements were eliminated to the extent feasible.

In response to comments and further review, extensive changes in content and format have been made to the Data Dictionary. The changes are to conform the style and numbering system to the UPCF, to correct typographical and numbering errors, and to conform the data element definitions to current statutes. The regulation citation and comments columns have been deleted and the information in those columns has been deleted or incorporated into the data element definition.

Major changes are as follows:

1. The CalARP program data elements have been removed (see Comment 7-M.5).
2. The Hazardous Waste Tank Closure portion has been moved to the Hazardous Waste section in response to Comments 14-K.5 and 14-L.1.
3. A list of acronyms was added in response to Comment 6-H.
4. The section regarding Transportable Treatment Units has been deleted (data element items 618 to 626). This change was necessary to conform the regulations to Assembly Bill 1357, (Chapter 778, Statutes of 1997), specifically HSC section 25404(c)(1)(C), which excludes

Transportable Treatment Units (TTUs) from the Unified Program. This conflict was identified after the 15-day public notice. This change removes the responsibility from the CUPAs to collect information that is no longer part of the Unified Program. Since this change is made to provide consistency with statute, this is a nonsubstantial change without regulatory effect.

Appendix D-Unified Program Data Dictionary-CUPA Section

The CUPA Section of the Data Dictionary would specify data elements that CUPAs are required to maintain in order to fulfill their program oversight role and may be required to report to the Secretary periodically. This section of the Data Dictionary will be the foundation of electronic reporting of information from CUPAs to the State. These data elements are based on information the CUPAs, the Secretary, or U.S. EPA may be required to periodically report.

The section was amended to add CalARP information requirements and data elements were renumbered accordingly. A reserved section was added for Household Hazardous Waste information. This section of the Data Dictionary will be adopted in a later rulemaking.

Appendix E-Unified Program Consolidated Form (UPCF)

The requirement to use the UPCF is new. The form is needed to consolidate and eliminate redundancy between 15 existing State or local forms, while meeting the reporting requirements of numerous regulatory programs. Use of the UPCF by CUPAs and businesses would be required by sections 15400 and 15600.

The UPCF sections are very similar in layout and appearance to the forms on which they were based. Redundant and overlapping data elements were removed, to the extent feasible, based on the comments.

In response to comments and further review, extensive changes in content and format have been made to most pages of the UPCF. The changes are to conform the style and numbering system to the Data Dictionary, to correct typographical and numbering errors, and to conform the data elements to current statutes. Major changes are as follows:

1. CalARP program pages have been removed, see Comments 7-M.1 and 7-M.4.
2. The Hazardous Waste Tank Closure page was moved to the Hazardous Waste section of the UPCF.

3. Numerous comments were made regarding the Underground Storage Tank pages. These pages have been modified to respond to the comments.
4. Extensive changes have been made to the Recyclable Materials Report pages to clarify which businesses are subject to report.
5. The Transportable Treatment Unit section of the Onsite Hazardous Waste Treatment Notification - Unit page was removed. This change was necessary to conform the regulations to Assembly Bill 1357, (Chapter 778, Statutes of 1997), specifically HSC section 25404(c)(1)(C), which excludes Transportable Treatment Units (TTUs) from the Unified Program. This conflict was identified after the 15-day public notice. This change removes the responsibility from the CUPAs to collect information that is no longer part of the Unified Program. Since this change is made to provide consistency with statute, this is a nonsubstantial change without regulatory effect.

Appendix F - Instructions

Appendix F, Instructions to the Unified Program Consolidated Form, was deleted as an unnecessary component of regulations. The UPCF pages are self-explanatory and Appendix C, the Business Section of the Data Dictionary, describes each of the data elements found on the form. CUPAs will develop their own instructions and the State will provide guidance to the CUPAs.

Appendix G-Household Hazardous Waste Form (reserved)

This appendix has been renumbered as Appendix F.